

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 6/11/2022
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMANTHA SIVA KUMARAN, et al.,

Plaintiffs,

-v -

ADM INVESTOR SERVICES, INC.,

Defendant.

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GREGORY H. WOODS, United States District Judge:

1:20-cv-3873-GHW

ORDER

On June 9, 2022, the Court issued an order denying Plaintiffs' motion for certification of an interlocutory appeal. Dkt. No. 159. The Court explained that, as the moving party, Plaintiffs have the burden to establish the necessary elements for the Court to certify an interlocutory appeal. After reviewing Plaintiffs' arguments, the Court concluded that Plaintiffs failed to meet their burden. However, because the Court recognized that the substance of the arguments was previously presented by Ms. Kumaran rather than NRCM when the Court was deciding NRCM's objections to Judge Aaron's order, the Court believed that further briefing by NRCM, which is represented by counsel, would provide additional clarity to the arguments. Accordingly, the Court denied the motion without prejudice and granted NRCM leave to file a renewed motion for certification of an interlocutory appeal. In essence, the Court is allowing NRCM a redo. That said, the Court will not benefit from a retread of the existing arguments in their current form. The Court considered and gave full credit to those arguments, but concluded that they were insufficient.

As the Court clarified on the record at the conference held on June 10, 2022, the Court's order does not require counsel to draft filings on Ms. Kumaran's behalf, limit Ms. Kumaran's ability to file submissions to the Court on her own behalf, or require Ms. Kumaran to obtain counsel to represent her. Instead, the Court's order merely grants NRCM leave to file a motion and requires

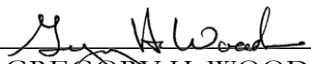
that counsel for NRCM draft the motion. Because NRCM has counsel, as it must, any submissions on NRCM's behalf must be presented by that counsel.

To the extent that Ms. Kumaran seeks an extension of time to file a renewed motion on her own behalf, that request is denied.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 163.

SO ORDERED.

Dated: June 11, 2022
New York, New York



GREGORY H. WOODS
United States District Judge